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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,111	03/16/2001	Steve B. McGowan	2207/10379	9369

7590 05/02/2006

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333 W. San Carlos, Street  
San Jose, CA 95110-2711

EXAMINER
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PHAN, TRI H

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/811,111	<b>Applicant(s)</b> MCGOWAN, STEVE B.	
	<b>Examiner</b> Tri H. Phan	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 25-27 is/are allowed.
- 6) ☐ Claim(s) 1 and 13 is/are rejected.
- 7) ☐ Claim(s) 2-12 and 14-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment/Arguments*

1. This Office Action is in response to the Appeal Brief filed on February 1<sup>st</sup>, 2006. In view of the following new grounds of rejection, the previous final Office action has been withdrawn. Claims 1-27 are now pending in the application. Delay in prosecution of this application is regretted.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Esterson, Clayton N.** (U.S.6,633,583; hereinafter refer as '**Esterson**').

- In regard to claims 1 and 13, **Esterson** discloses about the method and system between a host device and a peripheral device ('transmitting and receiving device' in figure 1), which comprise a peripheral device to encode data and a host device to decode data under a Universal Serial Bus protocol to form a USB packet (for example see step 201 in figure 2); wherein the USB packet is encoded using a Bluetooth protocol to form a Bluetooth packet for the transmission between the host device and the peripheral device

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(for example see step 202 and 203 in figure 2). Though, **Esterson** does not explicitly disclose about the *Bluetooth*; however, the Bluetooth protocol is well known in the art for using 2.4 gigahertz for transmitting data over the air in the short range; and **Esterson** discloses that any of a variety of RF protocol, such as the well known 2.4 gigahertz spread spectrum RF protocol can be used for transmission data in the invention (see col. 2, lines 13-17).

Therefore, it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to use the Bluetooth protocol for converting and transmission data over the air as in the **Esterson**'s RF system, as system design choices.

#### ***Response to Amendment/Arguments***

4. Applicant's arguments filed on February 1<sup>st</sup>, 2006 with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

5. Claims 2-12, 14-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25-27 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

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Many references in the art disclose the use of Bluetooth for transmitting universal serial bus data over the air. Most of those references are comprising Bluetooth firmware and hardware for assembling and managing communication packets and transmission, such as that found in Trost et al. [U.S. 2002/0151275]. But no prior art reference utilizes the Bluetooth packet to form the encoding the USB packet with the channel identifier and utilize the L2CAP to provide segmentation and reassembly.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

**Any response to this action should be mailed to:**

**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300**

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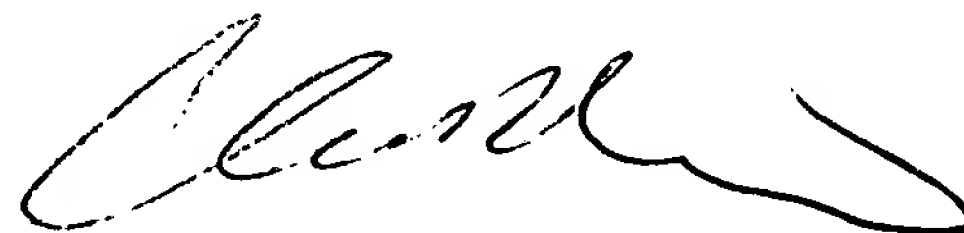
Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan  
May 1, 2006



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5/1/06